IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 12937 of 2004

Between:

1 Panem Nagi Reddy S/o Rami Reddy
All are residents of Yallur village, Gospadu Mandal, Kurnool Distsrict
2 Yedala Linganna S/o Pedda Naganna
All are residents of Yallur village, Gospadu Mandal, Kurnool Distsrict
3 Manigiri Pedda Venkateswalu S/o Late Chinna Linganna
All are residents of Yallur village, Gospadu Mandal, Kurnool Distsrict
4 P.Seshi Reddy S/o Nagi Reddy
All are residents of Yallur village, Gospadu Mandal, Kurnool Distsrict

..... PETITIONER(S)

AND

1 Sri Neela Kanteswara Swamy Temple Madhava Swamy, Yallur Village, Gospadu Mandal, Kurnool District Rep.by its Executive Officer.
2 The Mandal Revenue Officer, Gospadu Mandal, Kurnool District
3 The Chief Commissioner of Land Administration, Abids, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of mandamus, declaring that the order of the 3rd respondent dt. 27/1/2004 vide

commissioner (Appeals) Proceedings No.VI/906/93 remanding the matter to the 2nd respondent for enquiry U/Sec 3(3) of the Inams Abolition Act as illegal and unsustainable and oppose to the provisions of the Inams Abolition Act as well as the Hindu Religious and Charitable Institutions Act.

Counsel for the Petitioners:MR.E.AYYAPU REDDY

Counsel for the Respondent No.1: None appeared

Counsel for the Respondent Nos.2 and 3: GP FOR REVENUE

The Court at the admission stage made the following ORDER:

Admittedly, the petitioners are in possession of the inam lands, which belongs to the first respondent temples. For rendering services to the group of temples at Gospadu Mandal, the petitioners made a representation to the second respondent-Mandal Revenue Officer, Gospadu Mandal, Kurnool District, for granting ryotwari pattas, who in turn, issued Ryotwari Pattas in favour of the petitioners. Aggrieved by the same, the Executive Officer of the first respondent Temple made a representation to the second respondent for cancellation of the pattas granted in favour of the petitioners as the litigation is pending in the District Munsif Court at Allagadda. On such representation, the Mandal Revenue Officer issued an endorsement stating that the inam lands have been converted into ryotwari and pattas were also issued to the servicedars/tenants on 19-04-1991. Aggrieved by the said order, the Executive Officer filed an appeal before the Revenue Divisional Officer, Nandyal, who dismissed the same permitting the petitioners to enjoy the lands as long as they render service to the temples. Aggrieved by the same, the Executive Officer carried the matter in revision before the third respondent-Chief Commissioner of Land Administration, Hyderabad, under Section 14-A of the AP (Andhra Area) Inams (Abolition & Conversion into Ryotwari) Act, 1956 (for short “the Act”). Third respondent after going through the entire material on record held that the second respondent before granting pattas in favour of the petitioners, has not taken a decision under Section 3(3) of the Inams Abolition Act, 1956, as to whether the particular land in his jurisdiction is an inam land; (ii) whether such land is in ryotwari, Zamindari or Inam Village; (iii) whether such land is held by institution and granted ryotwari pattas, simply taking the statements of Village Assistants as well as beneficiaries without passing a speaking order issued pattas. Since the second respondent committed a procedural irregularity in granting ryotwari pattas, the same was set aside and the matter was remanded to the second respondent for taking a decision under Section 3(3) of the Inams Abolition Act, 1956 and to conduct fresh

enquiry for granting ryotwari pattas to the persons or institution.

Learned counsel for the petitioners strenuously contended that once the Revenue Divisional Officer, Nandyal, recorded a finding that a notice was issued to the first respondent temples and that the Chairman of the temples deposed that the petitioners are rendering service to the temples and enjoying the land, the appellate authority committed an irregularity in recording a finding that no notice was given to the first respondent temples, which is erroneous. In view of the same, he prays to set aside the impugned order.

I see no force in the submission made by the learned counsel for the petitioners since the second respondent is under obligation to record his finding whether such lands can be converted into ryotwari, nature or character of land and persons who are holding the land, and pattas can be granted in favour of the persons who are rendering service to the temples, in the light of the amendment if any made to the AP (Andhra Area) Inams (Abolition & Conversion into Ryotwari) Act, 1956. Apart from the same to what extent the pattas can be granted in favour of Inamdars and occupants over the said lands is to be gone into by the primary authority in the light of the amendments if any made to the Endowments Act as well as Inams Abolition Act.

In view of the same, I see no infirmity in the order passed by the third respondent calling interference of this Court. Hence, the writ petition fails and liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

26th JULY, 2004.

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To

1 The Executive Officer, Sri Neela Kanteswara Swamy Temple Madhava Swamy, Yallur Village, Gospadu Mandal, Kurnool District
2 The Mandal Revenue Officer, Gospadu Mandal, Kurnool District
3 The Chief Commissioner of Land Administration, Abids, Hyderabad

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.

5 Two CD copies.